

# **EXHIBIT K**

**DECLARATION OF SARAH GAHM**

I, Sarah Gahm, pursuant to 28 U.S.C. § 1746, depose and say as follows:

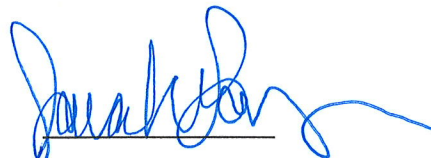
1. I am NEA Member C as identified in the Complaint.
2. I am a middle school counselor at Oyster River Middle School in Durham, New Hampshire. I have been teaching for 7 years.
3. I am a member of NEA-NH and the Oyster River Teacher's Guild.
4. I am offering this Declaration in my individual capacity and not on behalf of the District that employs me.
5. I have been directly impacted and harmed by the Dear Colleague Letter (the "Letter") as I have experienced significant chill and confusion regarding my teaching practices for fear that it might violate the Letter's prohibitions.
6. In particular, I fear that my teaching will be considered discrimination because of the ways my curriculum, both in an advisory capacity and during "SEL (social-emotional learning) takeover" sessions, and work as a counselor requires me to discuss issues related to "systemic and structural racism" and "discriminatory policies and practices," concepts which are explicitly implicated by the Letter's prohibitions, including in the Letter's prohibitions on "diversity," "equity," and "inclusion," and on teaching "that certain racial groups bear unique moral burdens that others do not." I fear that I may be subjected to complaints, investigation, discipline, or adverse employment action as a result of my teaching.
7. My role as a counselor is to prepare students to be successful learners and members of our society. This requires that students have a well-developed sense of self and an honest and accurate understanding of the broader world and how their actions and the actions of others might be received. I worry that the Letter's broad conception of discrimination actually presents a biased and censored view of reality by prohibiting accurate instruction, which ultimately will hurt students by not giving them knowledge and tools they need.
8. For example, a common topic of conversation with middle schoolers is hurtful language. There have been instances where students use the word "monkey" to describe a student of color. It is my job to educate students on the history and racist connotations of the word "monkey" as a slur for people of color to teach students why that term is hurtful to others.

9. As another example, in my advisory curriculum, I provide instruction on social-emotional learning. I have facilitated classroom and advisory lessons on hurtful language, identity, gender inclusivity, developing empathy, understanding bullying, and diversity. The hurtful language lessons focus on understanding the power of words and where they come from, including language specific to marginalized groups of people. Lessons on identity focus on increasing a deeper level of self-awareness of the characteristics individuals have, and who they are and want to be. The gender inclusivity lesson focuses on stereotypes, where they come from, and how to challenge them. The developing empathy lessons focus on building natural empathy by actively imagining the feelings of others and exploring why it is important to do so. Students identify and discuss other students' emotions and imagine how people in different situations may feel. Understanding bullying lessons focus on understanding what bullying is, how it impacts individuals, and their community. Lessons about diversity focus on fostering the students' capacity to understand and appreciate diversity. The students explore how they are similar to and different from one another, how diversity helps the community, and how to be respectful of others' differences. The goal of these lessons is to foster students with the social and emotional competencies they need to feel successful as learners and citizens of their communities.

10. I approach these conversations with sensitivity to all students involved and always aim not to cast blame or shame on anyone. My goal is to educate students to help them make their own decisions, not to indoctrinate. However, I worry that broaching conversations like this at all will put me at risk of complaints that I am engaging in illegal "toxic[] indoctrinat[ion]," DEI, or stigmatizing of students based on racial stereotypes. I am particularly worried given the FAQ regarding the Letter, which specifically identifies social-emotional learning as a practice that "veil[s] discriminatory policies." Beyond impacting my ability to engage in effective teaching practices and prepare students to understand the world, such complaints could subject me to investigation, discipline, or impact my job.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4 day of March, 2025.

  
Sarah Gahm